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PART II — Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on 24.4.2000

BILL No. 83 OF 2000

A Bill further to amend the Insecticides Act, 1968.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

1. This Act may be called the Insecticides (Amendment) Act, 2000.

Short title.

46 of 1968.

2. In the Insecticides Act, 1968 (hereinafter referred to as the principal Act), in section 21, in sub-section (1), in clause (d), for the word "twenty", the word "thirty" shall be substituted.

Amendment of section 21.

3. In section 22 of the principal Act,—

(a) for sub-section (3), the following sub-section shall be substituted, namely:—

Amendment of section 22.

“(3) Where an Insecticide Inspector takes any sample of an insecticide, he shall issue a receipt therefor stating therein that the fair price of such sample shall be tendered if the sample, after test or analysis is not found to be misbranded and the Insecticide Analyst has reported to that effect and on such price having been tendered may require a written acknowledgment therefor.”;

(b) in sub-section (4), the words, brackets and figure "Where the price tendered under sub-section (3) is refused, or" shall be omitted.

Amendment
of section 24.

4. In section 24 of the principal Act,—

(a) in sub-section (1), for the word "sixty", the word "thirty" shall be substituted;

(b) in sub-section (4), for the words "which shall make the test or analysis", the words "which shall, within a period of thirty days, make the test or analysis" shall be substituted.

Amendment
of section 27.

5. In section 27 of the principal Act, in sub-section (1), the words, brackets and figures "sub-clause (iii) of" shall be omitted.

Amendment
of section 29.

6. In section 29 of the principal Act,—

(a) in sub-section (1), for the portion beginning with the words "shall be punishable—" and ending with the words "three years, or with fine, or with both", the following shall be substituted, namely:—

"shall be punishable—

(i) for the first offence, with imprisonment for a term which may extend to two years, or with fine which shall not be less than ten thousand rupees but which may extend to fifty thousand rupees, or with both;

(ii) for the second and a subsequent offence, with imprisonment for a term which may extend to three years, or with fine which shall not be less than fifteen thousand rupees but which may extend to seventy-five thousand rupees, or with both";

(b) in sub-section (2), for the words "which may extend to five hundred rupees", the words "which shall not be less than five hundred rupees but which may extend to five thousand rupees, or imprisonment for a term which may extend to six months, or with both" shall be substituted;

(c) in sub-section (3),—

(i) in clause (i), for the words "six months, or with fine, or with both", the words "one year, or with fine which shall not be less than five thousand rupees but which may extend to twenty-five thousand rupees, or with both" shall be substituted;

(ii) in clause (ii), for the words "one year, or with fine, or with both", the words "two years, or with fine which shall not be less than ten thousand rupees but which may extend to fifty thousand rupees, or with both" shall be substituted.

Insertion of
new section
31A.

7. After section 31 of the principal Act, the following section shall be inserted, namely:—

Special Courts.

'31A. (1) If the State Government is satisfied that it is necessary for the purpose of providing for speedy trial of offences under this Act in any district or metropolitan area, it may, by notification in the Official Gazette and after consultation with the High Court, notify one or more Courts of Judicial Magistrates of the first class, or, as the case may be, Metropolitan Magistrates, in such district or metropolitan area to be Special Courts for the purposes of this Act.

(2) Unless otherwise directed by the High Court, a court notified under sub-section (1) shall exercise jurisdiction only in respect of cases under this Act.

(3) Subject to the provisions of sub-section (2), the jurisdiction and powers of the presiding officer of court notified under sub-section (1) in any district or

metropolitan area shall extend throughout the district or the metropolitan area, as the case may be.

(4) Subject to the foregoing provisions of this section, a court notified under sub-section (1) in any district or metropolitan area shall be deemed to be a court established under sub-section (1) of section 11, or, as the case may be, sub-section (1) of section 16 of the Code of Criminal Procedure, 1973 and the provisions of that Code shall apply accordingly in relation to such courts.

2 of 1974.

Explanation.—In this section, “High Court” has the same meaning as in clause (e) of section 2 of the Code of Criminal Procedure, 1973.’.

2 of 1974.

STATEMENT OF OBJECTS AND REASONS

The Insecticides Act, 1968 was enacted to regulate the import, manufacture, sale, transport, distribution and use of insecticides with a view to prevent risk to human beings or animals and matters connected therewith.

2. In *Dr. Ashok versus Union of India*, (AIR 1997 Supreme Court 2298), the Supreme Court has held that once a substance is specified in the Schedule as contemplated under section 3(e)(i), then there is no power for cancelling the registration certificate issued in respect of the same substance even if on scientific study, it appears that the substance in question is grossly detrimental to the human health. This is a lacuna in the legislation itself, and therefore, steps should be taken for appropriate amendment to the legislation. It is, therefore, proposed to amend section 27 of the said Act to remove the said lacuna.

3. In the administration and implementation of the Act, certain difficulties were experienced. To remove the said difficulties, the following further amendments are also proposed:—

(i) clause (d) of sub-section (1) of section 21 provides for stopping distribution, sale or use of an insecticide in contravention of the provisions of the Act for a period not exceeding twenty days or unless the alleged contravention is such that the defect may be removed by the possessor of the insecticide, seize the stock of such insecticides. The maximum period of twenty days is proposed to be enhanced to thirty days to make the period of stop sale in conformity with the period of testing of an insecticide;

(ii) as per existing provisions of sub-section (3) of section 22, the payment is required to be made for the samples at the time it is drawn including the samples found to be misbranded. It is, therefore, proposed to amend section 22 to provide for payment of the sample only, if after the test or analysis, it is not found to be misbranded;

(iii) in order to make the period of test or analysis in conformity with the stop distribution, sale or use, sub-section (1) of section 24 is being amended to make it compulsory for the Insecticide Analyst to deliver to the Insecticide Inspector a signed report of test or analysis within a period of thirty days. Similarly, it is proposed to fix time limit for testing of a sample by the Central Insecticide Laboratory with a period of thirty days;

(iv) it is experienced that punishment under section 29 of the Act is not stringent enough. Therefore, it is proposed to amend:—

(a) sub-section (1) of section 29 to provide minimum punishment of ten thousand rupees which may extend up to fifty thousand rupees for first offence and a minimum punishment of fifteen thousand rupees which may extend up to seventy-five thousand rupees for the second and subsequent offences;

(b) sub-section (2) of section 29 to provide for a minimum fine of five hundred rupees which may extend up to five thousand rupees or imprisonment for six months or with both;

(c) sub-section (3) of section 29 to provide for a minimum fine of five thousand rupees which may extend up to twenty-five thousand rupees or with imprisonment which may extend to one year or with both for first offence. For the second and subsequent offence with a minimum fine of ten thousand rupees which may extend up to fifty thousand rupees or with imprisonment which may extend up to two years or with both;

(v) it is also observed that trials in the courts take a long time and conviction for misbranded insecticides is not possible without trial. At the same time, manufacturers or dealers continue to manufacture or trade in misbranded insecticides. In order to provide for speedy trial of offences, the State Governments are proposed to be empowered to notify special courts for speedy trial of offences relating to violation of the said Act by amending sub-section (2) of section 31 of the Act.

4. The Bill seeks to achieve the above objects.

NEW DELHI;
The 5th April, 2000.

SUNDAR LAL PATWA.

FINANCIAL MEMORANDUM

Clause 7 of the Bill provides for empowerment of State Governments to set up Special Courts for speedy trial of cases relating to violation of the Insecticides Act, 1968. It is also proposed to empower the State Governments for the purpose of providing for speedy trial of offences in any district or metropolitan area, by notification in the Official Gazette and after consultation with the High Court, notifying one or more Courts of Judicial Magistrates of the first class, or, as the case may be, Metropolitan Magistrates, in each district, or metropolitan area to be Special Courts for the purposes of this Act. This does not entail any additional expenditure to Central exchequer. Similarly, in the case of Union territories, there will not be any burden on the Central exchequer when existing Courts of Judicial Magistrates of the first class are notified as Special Courts.

BILL No. 82 OF 2000

A Bill to repeal certain enactments relating to direct taxes.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

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|--|-------------------------------|
| 1. This Act may be called the Direct-tax Laws (Miscellaneous) Repeal Act, 2000. | Short title. |
| 2. The enactments specified in the Schedule are hereby repealed. | Repeal of certain enactments. |
| 3. (1) The repeal by this Act of any enactment shall not— | Savings. |
| (a) affect any other enactment in which the repealed enactment has been applied, incorporated or referred to; | |
| (b) affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, immunity, obligation or liability already acquired, | |

accrued or incurred, or any remedy or proceeding in respect thereof, or any release or discharge of or from any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted, or the proof of any past act or thing;

(c) affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed or recognised or derived by, in or from any enactment hereby repealed;

(d) revive or restore any jurisdiction, office, custom, liability, right, title, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force.

(2) The mention of particular matters in sub-section (1) shall not be held to prejudice or affect the general application of section 6 of the General Clauses Act, 1897, with regard to the effect of repeals. 10 of 1897

THE SCHEDULE

(See section 2)

REPEALS

Year	Number	Short title
1926	3	The Government Trading Taxation Act, 1926.
1940	XV	The Excess Profits Tax Act, 1940.
1947	XXI	The Business Profits Tax Act, 1947.
1947	XXX	The Taxation on Income (Investigation Commission) Act, 1947.
1949	22	The Payment of Taxes (Transfer of Property) Act, 1949.
1949	67	The Taxation Laws (Extension to Merged States and Amendment) Act, 1949.
1953	34	The Estate Duty Act, 1953.
1954	38	The Madhya Bharat Taxes on Income (Validation) Act, 1954.
1962	9	The Estate Duty (Distribution) Act, 1962.
1965	1	The Income-tax (Amendment) Act, 1965.
1971	37	The Central Board of Direct Taxes (Validation of Proceedings) Act, 1971.
1971	62	The Companies (Surcharge on Income-tax) Act, 1971.
1976	8	The Voluntary Disclosure of Income and Wealth Act, 1976.
1981	7	The Special Bearer Bonds (Immunities and Exemptions) Act, 1981.
1991	47	The Voluntary Deposits (Immunities and Exemptions) Act, 1991.
1942	LX	The Income-tax and Excess Profits Tax (Emergency) Ordinance, 1942.
1943	IV	The Income-tax Proceedings Validity Ordinance, 1943.
1943	XVI	The Excess Profits Tax Ordinance, 1943.

STATEMENT OF OBJECTS AND REASONS

The Commission on review of the Administrative Laws was set up by the Central Government on the 8th May, 1998, *inter alia*, for review of administrative laws and for recommending follow-up steps thereafter, for repeal and amendment. In pursuance of the recommendations of the said Commission, the Central Government has decided to repeal certain enactments, specified in the Schedule to the Bill, which have ceased to be in force or have become obsolete or retention whereof as separate Act is unnecessary.

2. Clause 3 of the Bill contains a saving provision which usually finds place in the Bill of this kind.

NEW DELHI;
The 4th April, 2000.

YASHWANT SINHA.

G. C. MALHOTRA,
Secretary-General.